



THE CITY OF SAN DIEGO

## CITY OF SAN DIEGO

### NEWPORT AVENUE MAINTENANCE ASSESSMENT DISTRICT ANNUAL UPDATE ENGINEER'S REPORT

**JUNE 2011**

PURSUANT TO THE  
LANDSCAPING AND LIGHTING ACT OF 1972, CALIFORNIA STREETS & HIGHWAYS  
CODE

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Ben Hueso  
District 8

## City Attorney

Jan Goldsmith

## Chief Operation Officer

Jay M. Goldstone

## City Clerk

Elizabeth Maland

## Independent Budget Analyst

Andrea Tevlin

## City Engineer

Afshin Oskoui

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## SECTION I. EXECUTIVE SUMMARY

**Project:** Newport Avenue Maintenance Assessment District (“District”)

**Apportionment Method:** Linear Front Foot (“LFF”)

**Table 1 – Summary Information**

	<b>FY 2011</b>	<b>FY 2012 (1)</b>	<b>Maximum Authorized</b>
Total Parcels Assessed:	73	73	
Total Estimated Assessment:	\$59,695	\$60,439	\$60,439
Total Estimated LFF:	3,580	3,580	
Assessment per LFF:	\$16.6749	\$16.8823	\$16.8823

1. FY 2012 is the City’s Fiscal Year 2012, which begins July 1, 2011 and ends June 30, 2012. Total Parcels Assessed, Total Estimated Assessment, and Total Estimated LFF may vary from prior year due to parcel changes.

**District History:** The District was re-engineered in Fiscal Year 1998 for compliance with Proposition 218. A property owner ballot proceeding was conducted and a weighted majority (58.52%) of property owners, based on assessment amount, approved the assessments and the annual cost indexing provisions.

**Annual Cost Indexing:** The assessments are authorized to increase by the annual change in the San Diego Area Consumer Price Index (the SDCPI-U) beginning in Fiscal Year 1999.

**Bonds:** No bonds will be issued in connection with this District.

## **SECTION II. BACKGROUND**

### **A. Introduction**

The Newport Avenue Maintenance Assessment District was established by Resolution R-273973 of the City Council on July 11, 1989. The District was re-engineered in Fiscal Year (“FY”) 1997/1998 to comply with the provision of Proposition 218. An assessment ballot proceeding was conducted and a weighted majority of property owners, based on assessment amount, were in support of the continuation of the assessments and services and improvements the assessments fund.

This report constitutes the Engineer’s Report for the City of San Diego (“City”) Newport Avenue Maintenance Assessment District for Fiscal Year (“FY”) 2012. The City Council pursuant to the provisions of the San Diego Maintenance Assessment District Procedural Ordinance of 1986 (the “Ordinance”), Landscaping and Lighting Act of 1972, Being Division 15, Part 2 of the Streets and Highways Code of the State of California, beginning with Section 22500 (the “1972 Act”), Article XIID of the Constitution of the State of California (“Article XIID”), the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the “Implementation Act”), and (the Ordinance, 1972 Act, Article XIID and the Implementation Act are referred to collectively as the “Assessment Law”) desires to levy and collect annual assessments against lots and parcels within the District in the fiscal year commencing July 1, 2011 and ending June 30, 2012 to pay for the operation, maintenance and servicing of landscaping, lighting, drainage and all appurtenant facilities. The assessment rates set for 2011/2012 as set forth in this Engineer’s Report do not exceed the maximum rates established at the time the District was formed, therefore, the City and the District are not required to go through a property owner ballot protest procedure in order to establish the 2011/2012 assessment rates.

Each lot or parcel within the District is assessed proportionately for only the improvements and services that are determined to be special benefit. For this report, each lot or parcel to be assessed, refers to an individual property assigned its own Assessor Parcel Number by the San Diego County (“County”) Assessor’s Office as shown on the last equalized roll of the assessor.

A Public Hearing will be scheduled where public testimony will be heard by the City Council. Following the conclusion of the Public Hearing, the City Council will confirm the Engineer’s Report as submitted or amended and may order the collection of assessments for FY 2012.

## **SECTION III. PLANS AND SPECIFICATION**

### **A. General Description of the District**

The territory within the District consists of all lots, parcels and subdivisions of land as shown on the Boundary Diagram titled “Map of Proposed Boundaries of the City of San Diego Newport Avenue Maintenance Assessment District” contained within this report in Section VI.

The District generally includes the parcels that front Newport Avenue between Abbott Avenue to the northwest and Sunset Cliffs Boulevard to the southeast.

### **B. Description of Improvements to be Maintained and Services**

The District, through the levy of special assessments, provides funding for ongoing maintenance, operation and servicing of landscaping, lighting, and other improvements or appurtenant facilities located within the public rights-of-ways and dedicated easements located within the District. This includes approximately 60,509 square feet of landscaped right-of-way, 57,888 square feet of sidewalk, 2,621 square feet of landscaping, 4,588 linear feet of gutters, and various street right-of-ways. These improvements may include, but are not limited to, all materials, equipment, utilities, labor, and appurtenant facilities related to the ongoing maintenance of the improvements.

Maintenance services will be provided by City personnel and/or private contractors. The improvements maintained and services provided by the District are generally described as follows:

Maintenance and servicing of improvements, include but are not limited to landscaping, sprinkler systems, shrubbery, trees, irrigation and drainage systems, street lighting, and other appurtenant items located in right of ways and any incidental costs thereto, and located within the boundaries the District or adjacent to the District.

Plans and specifications for these improvements to be maintained by the District are on file with the City Engineer’s office and by reference are made part of this Report. The specifications for the maintenance to be performed are contained in a City contract with the Ocean Beach Main Street Association which is incorporated herein by reference. These documents are on file with the City Clerk and the City Planning and Community Investment Department and are available for public inspection during normal business hours.

### **C. Description of Maintenance and Services**

Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of landscaping improvements and lighting improvements and appurtenant facilities, including repair, removal or replacement of all or part of any of the improvements or appurtenant facilities; providing for the life, growth, health and beauty of the Landscaping Improvements including cultivation, drainage, irrigation, trimming, mowing, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste; the cleaning and sweeping of the sidewalk and gutter, collection and disposal of fallen branches and trees, tree and bush trimming, placement of street furniture, banner installation, security services, including homeless patrolling and reporting of security and safety problems to governmental agencies and the cleaning, sandblasting, and painting of walls, and other improvements to remove or cover graffiti.

Servicing means the furnishing of water and electricity for the irrigation of the landscaping improvements or appurtenant facilities including any decorative lighting and the furnishing of electric current or energy, gas or other illuminating agent for the lighting improvements. The lighting improvements shall be serviced to provide adequate illumination. Servicing also allows for the replacement of the facilities in order to maintain them in proper working order and to provide specific benefit to the District.

## SECTION IV. ESTIMATE OF COSTS

### A. Estimate of Costs Table

Below are the estimated costs of maintenance and services for the District including incidental costs and expenses, revenue and reserves.

**Table 2 – Estimate of Costs**

	FY 2010 BUDGET	FY 2011 BUDGET	FY 2011 PROPOSED
<b>NEWPORT AVENUE MAD</b>			
<b>BEGINNING BALANCE</b>	\$0	\$4,614	<b>\$5,000</b>
<b>Revenue</b>			
Assessments	\$57,101	\$59,695	<b>\$60,439</b>
<b>TOTAL OPERATING REVENUE</b>	<b>\$57,101</b>	<b>\$59,695</b>	<b>\$60,439</b>
<b>TOTAL REVENUE AND BALANCE</b>	<b>\$57,101</b>	<b>\$64,309</b>	<b>\$65,439</b>
<b>Expense</b>			
Personnel	\$0	\$0	<b>\$0</b>
Contractual	\$44,191	\$44,205	<b>\$40,895</b>
Incidentals / Administration <sup>1</sup>	\$4,000	\$8,000	<b>\$12,500</b>
Utilities	\$3,200	\$3,800	<b>\$6,000</b>
Contingency Reserve <sup>2</sup>	\$5,710	\$8,304	<b>\$6,044</b>
<b>TOTAL EXPENSE</b>	<b>\$57,101</b>	<b>\$64,309</b>	<b>\$65,439</b>
<b>BALANCE</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Notes:

1. Includes City Administration Fee of 4% of the Assessment.
2. The contingency builds a reserve for the District for funding emergency needs and provides a source of funds to operate from July through December while waiting for County property tax distributions that typically occur in January and May.



## **SECTION V. METHOD OF APPORTIONMENT**

### **A. General**

The Implementation Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements, which include the construction, maintenance, and servicing of street lights, traffic signals, landscaping and drainage facilities.

Streets and Highways Code Section 22573 requires that maintenance assessments be levied according to benefit rather than the assessed value.

*“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”*

In addition, Article XIID and the Implementation Act require that a parcel’s assessment may not exceed the reasonable cost for the proportional special benefit conferred to that parcel. Article XIID and the Implementation Act further provides that only special benefits are assessable and the City must separate the general benefits from the special benefits. They also require that publicly owned properties which specifically benefit from the improvements be assessed.

### **B. Special Benefit Analysis**

Each of the proposed improvements and the associated costs and assessments within the District has been reviewed, identified and allocated based on special benefit pursuant to the provisions of the Assessment Law.

Proper maintenance and operation of landscaping, street trees and streetlights provides special benefit to adjacent properties by providing community character, security, safety and vitality. In addition, the Improvements will enhance the ability of property owners to attract and maintain customers as well as increase the viability of commercial development.

#### **Special Benefit**

Parcels within the District receive a special benefit resulting from the maintenance and services and improvement provided with the assessments. Specifically the special benefits are summarized as follows:

- Improved cleanliness and maintenance of sidewalks used to access property in the District.
- Enhanced cleanliness and desirability of the area, including removal of litter and debris from sidewalks and other public facilities for the direct advantage of property in the District.

- 
- Enhanced safety of property in the District and reduced liability risk
- Improved access to property in the District due to cleaner and safer sidewalks.
- Improved safety and traffic circulation to and from parcels.
- Increased deterrence of crime and aid to police and emergency vehicles.

### **General Benefit**

The proceeds from the assessment will be used to fund services and improvements with the District that, in absence of the assessment, otherwise would not be funded at the frequency provided by the District. The District will continue to receive the same level of general services provided to the public at large under City-funded and administered programs, as determined annually, for maintenance of public facilities and improvements (e.g., street trees, sidewalks, street lights, etc.), including street sweeping and graffiti removal on public property.

### **C. Assessment Methodology**

To establish the special benefit to the individual lots and parcels within the District a formula that spreads the costs of the maintenance based on the special benefit must be established. The Improvements have been reviewed and a formula has been established to apportion the maintenance costs based on benefit.

The method of assessment established at the time of the District's formation is based on the Linear Front Footage ("LFF") for each parcel located within the District. The improvements and services provided by the District are within the public right of way along the street, therefore utilizing the LFF to calculate the assessment is directly proportional to the special benefit received. The parcel's LFF was determined based on Assessor Parcel maps or other sources.

## SAMPLE CALCULATIONS

As described above, assessments have been calculated for each parcel based on the Linear Front Footage of the property along the improvement/service corridor.

$$\text{LFF} = \text{Linear Front Footage}$$

Shown below are LFF calculations for various sample parcels.

- **Property with 50-foot frontage**  
LFF = 50.00 LFF
- **Property with 125-foot frontage**  
LFF = 125.00 LFF
- **7-unit Condominium Property with 49-foot frontage**  
LFF (per condo unit) = 49.00 LFF / 7 units = 7.00 LFF

The total assessment for each parcel in the District is based on the calculated LFF for the parcel and the applicable unit assessment rate, as shown in the following equation:

$$\text{Total Assessment} = \text{Total LFF} \times \text{Unit Assessment Rate}$$

### D. Assessment Range Formula

The purpose of establishing an Assessment Range Formula is to provide for reasonable increases and inflationary adjustment to annual assessments without requiring the District to go through the requirements of Proposition 218 in order to get a small increase. This District provides for an annual adjustment to the Maximum Assessment Rate per linear foot based on the San Diego Consumer Price Index for Urban Consumers (SDCPI-U).

The Assessment Range Formula is applied to the assessments within the District and began in fiscal year 1998 with the initial approved rate of \$11.00 per LFF. Generally, if the proposed annual assessment for the current fiscal year is less than or equal to the calculated Maximum Assessment, then the proposed annual assessment is not considered an increased assessment. The Maximum Assessment is equal to the initial Assessment (approved by property owners within the District) adjusted annually by the percentage change (increase or decrease) in the SDCPI-U.

The Maximum Assessment is adjusted annually and is calculated independent of the District's annual budget and proposed annual assessment. Any proposed annual assessment is not considered an increased assessment, even if the proposed assessment is greater than the assessment applied in the prior fiscal year.

Although the Maximum Assessment will increase each year, the actual assessment may remain unchanged. The Maximum Assessment adjustment is designed to establish a reasonable limit on assessments. The Maximum Assessment calculated each year does not require or facilitate an increase to the annual assessment and neither does it restrict assessments to the adjustment maximum amount. If the budget and assessment for the fiscal year do not require an increase, or the increase is less than the adjusted Maximum Assessment, then the required budget and assessment may be applied without additional property owner balloting. If the budget and assessments calculated requires an increase greater than the adjusted Maximum Assessment, then the assessment is considered an increased assessment and would be subject to Proposition 218 balloting.

The maximum authorized assessment established in the Fiscal Year 2012 proceedings are authorized to be indexed (increased or decreased) annually by the factor published in the SDCPI-U. The annual change in second half SDCPI-U values, as compiled by the U.S. Bureau of Labor Statistics (see [www.bls.gov](http://www.bls.gov)), for the prior year period was from 243.655 to 246.686 (a 1.24% increase). In accordance with the approved cost-indexing provisions, the maximum authorized assessment rates contained within this Assessment Engineer's Report have been increased by \$0.2074.

## **SECTION VI. ASSESSMENT DIAGRAM**

The parcels within the Newport Avenue Maintenance Assessment District consist of all lots, parcels depicted within the boundaries of the District. The District diagram reflecting the exterior boundaries of the District is on file with the City Clerk.

## **SECTION VII. ASSESSMENT ROLL**

The assessment roll is a listing of the Fiscal Year 2012 Assessment apportioned to each lot or parcel, as shown on the San Diego County last equalized roll of the assessor and reflective of the Assessor's Parcel Map(s) associated with the equalized roll. A listing of parcels proposed to be assessed within this District is shown in the following table.

# **CITY OF SAN DIEGO**

## **Newport Avenue Maintenance Assessment District**

### **Engineer's Report Fiscal Year 2012**

This report has been prepared and submitted by:

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C. Stephen Bucknam Jr. C 20903

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Koppel & Gruber Public Finance

I, \_\_\_\_\_, as City Clerk of the City of San Diego, County of San Diego, California, do hereby certify that the Assessment as shown on the Assessment Roll, together with the Assessment Diagram, both of which are incorporated into this report, were filed in my office on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Elizabeth Maland, City Clerk  
City of San Diego  
State of California

I, \_\_\_\_\_, as City Clerk of the City of San Diego, County of San Diego, California, do hereby certify that the foregoing Assessment as shown together with the Assessment Diagram incorporated into this report, was approved and confirmed by the City Council of said City on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Elizabeth Maland, City Clerk  
City of San Diego  
State of California

I, \_\_\_\_\_, as City Engineer of the City of San Diego, County of San Diego, California, do hereby certify that the foregoing Assessment as shown together with the Assessment Diagram incorporated into this report, was recorded in my office on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Afshin Oskoui, City Engineer  
City of San Diego  
State of California